

**IN UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

CHAD HOGAN,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:05-cv-687-WKW
)	
)	
CITY OF MONTGOMERY, et al.,)	
)	
Defendants.)	

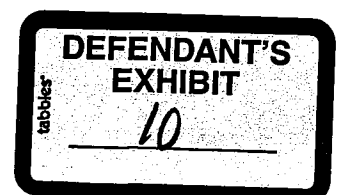
AFFIDAVIT OF A. D. BAYLOR

Before me, the undersigned authority, personally appeared A. D. Baylor, who is known to me and who, being first duly sworn, deposed on oath, and says as follows:

My name is A. D. Baylor. I am over nineteen years of age. I am currently employed with the City of Montgomery as the Chief of Police. It is in that capacity that I state the following:

On April 1, 2005, while at a funeral in Detroit, Michigan, I received two phone calls: one from Lieutenant Pervis Fleming of Internal Affairs and one from Major J.C. West, Commander of the Detective Division advising me that Detective Kirk Pelham had expressed discomfort regarding an arrest made earlier that week. Detective Pelham's complaint was dealing with a burglary arrest and the actions of officers in K-9 and the detective division. I immediately authorized internal affairs to contact the Legal Department regarding opening an investigation.

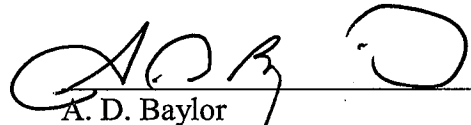
I was not present at the time Chad Hogan was arrested nor have I ever talked to Chad Hogan. However, the records of the Montgomery Police Department reflect that Anthony Arnaud signed an affidavit for burglary third degree against Chad Hogan. The




witnesses on the affidavit are listed as Anthony Arnaud, Officer M. D. Gordon and Detective L.K. Pelham. A complaint was also signed by Anthony M. Arnaud and a warrant issued for the arrest of Chad Hogan by the Magistrate for Burglary Third Degree on March 31, 2005.

There is no policy or custom of the Montgomery Police Department of charging a person with a crime to evade liability for any wrongful or negligent conduct on the part of the police officers. I immediately authorized that internal affairs contact the Legal Department for an investigation when I was advised of the complaint made by Pelham. There was never any finding however that any of the officers complained of acted wrongful, negligent or inappropriately.

I have read the above and foregoing affidavit consisting of two (2) pages and state that it is true and correct to my present knowledge and information.


A. D. Baylor

SWORN TO AND SUBSCRIBED before me this 12th day of July, 2006.


Notary Public NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: May 6, 2007
My commission expires NOTARY PUBLIC UNDERWRITERS

(SEAL)